

If the Court allows the Order to continue, either with or without a fine or extra hours, then the Community Service Department will write to you with reporting instructions.

WHAT HAPPENS IF I DO NOT ATTEND COURT FOR THE BREACH HEARING OR LEAVE THE ISLAND?

The Court will normally order your arrest without bail. You will then be arrested and will appear before Court. You will normally be kept in prison or youth detention until the next Court sitting.

If you leave the Island you are likely to be arrested where you are living and the Jersey Police may come and bring you back to Jersey.

WHAT HAPPENS IF I WAS SENTENCED IN THE ROYAL COURT BUT THEN CONVICTED IN THE MAGISTRATES OR YOUTH COURT ON OTHER CHARGES?

The breach of Community Service will be referred back to the Attorney General who will decide whether your case needs to be referred to the Royal Court for your Community Service Order to be adjudicated upon..

WHAT HAPPENS IF I WAS SENTENCED IN THE MAGISTRATES OR YOUTH COURT BUT THEN CONVICTED ON OTHER CHARGES IN THE ROYAL COURT?

If you reoffend and your case is sent to the Royal Court, either for trial or sentencing, then the breach of the Community Service Order would normally be dealt with by the Royal Court at the time you are sentenced for the new charges.

WILL THE TIME I SPENT ON REMAND BEFORE BEING SENTENCED TO COMMUNITY SERVICE BE TAKEN INTO CONSIDERATION?

No. Time spent on remand in custody before being sentenced to Community Service does not count against a prison sentence made for a breach of a Community Service Order.

WHAT IF I WAS UNDER 18 YEARS OF AGE WHEN I WAS SENTENCED?

As well as the above, your parents or guardians will be sent a copy of the letter telling them that you are considered to be in breach of the Order. They will also be sent a copy of this leaflet.

WHAT IF I HAVE ANY OTHER QUESTIONS?

Even though you are considered to be in breach of the Order, Community Service staff will try to answer any questions you may have. Contact the department if you need any help.

Jersey Probation and After-Care Service

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We can be found around the corner from the new Magistrate's Court.

BREACH INFORMATION

What You Need To Know



WHAT IS "BREACH?"

This is the term used when the Probation Service considers that you have failed to comply with the terms of your Community Service Order.

HOW CAN YOU BREACH A COMMUNITY SERVICE ORDER?

If you fail to comply with any of the terms and conditions of the Order.

The most common reasons for breaching an Order are:

- Committing further offences
- Failing to report as instructed
- Failing to provide an acceptable reason for your failure to report
- Failing to tell the Community Service department if you change address
- Leaving Jersey without the permission of the Community Service Department
- Being violent or threatening violence towards staff of other offenders
- Failing to obey any instruction given to you by any person supervising your Community Service

WHAT DOES IT MEAN?

It means that your case will be returned to the Court which sentenced you to Community Service.

CAN I STOP THE BREACH?

No. The decision to return your case to Court is taken by the Community Service Department.

CAN I CONTINUE TO REPORT FOR COMMUNITY SERVICE?

No. The Order is suspended until you have appeared in Court. If you also see a Probation Officer then you must continue to report for your Probation appointments, unless your Probation Officer tells you not to.

IS THE COMMUNITY SERVICE ORDER STILL IN FORCE?

Yes. The Order is still in force until the Court cancels it.

Even though you are not reporting for Community Service, you must still notify the Community Service Department of any change of address and attend any appointments you are given.

You must not leave Jersey without permission of the Community Service Department.

WHAT HAPPENS NEXT?

You will receive a date for your case to be heard in the same Court that originally sentenced you.

SHOULD I SEE A LAWYER?

Yes. It is very important that you take legal advice as soon as possible. This will give your lawyer time to prepare for your Court appearance.

If you wish to apply for Legal Aid then you should go to the Legal Aid Office at St Paul's Centre, New Street, St Helier on any weekday between the hours of 8.45 and 9.45 am and ask to see the Acting Batonnier. The telephone number for the legal aid office is 0845-800-1066.

Do not wait until your Court appearance to ask for legal aid.

DOES THE COMMUNITY SERVICE DEPARTMENT WRITE A REPORT FOR THE COURT?

Yes. A report is prepared explaining to the Court why you are being breached and the progress of the Order up to the date of your Court appearance. The report will normally say whether the Community Service Department recommends that the Order continues or not.

When you see your lawyer you should ask them to contact the Community Service Department to confirm they are acting for you. Your lawyer will normally be given a copy of the report two days before your Court appearance.

If you decide not to see a lawyer then you are still allowed to read the report. You should contact the Community Service Department during the week before your Court appearance for an appointment to read the report.

WILL THE REPORT BE CHANGED IF I ASK?

No. It is up to you or your lawyer to explain to the Court if you do not agree with the report.

WHAT WILL HAPPEN IN COURT?

It is up to the Court to decide whether the breach is proved.

The Court will have read the report and may ask you questions.

The Court will decide whether you are in breach of the Order and how you should be sentenced for the breach.

WHAT HAPPENS IF THE COURT DECIDES THAT I HAVE NOT BREACHED MY COMMUNITY SERVICE ORDER?

If the Court decides that you are not in breach then the Order will continue and the Community Service Department will write to you with reporting instructions.

WHAT HAPPENS IF THE COURT DECIDES THAT I AM IN BREACH OF MY COMMUNITY SERVICE ORDER

The Court has a number of options if you fail to comply with your Community Service Order.

The most common decisions of the Court are:

- It may decide to allow you to continue with the Order, with or without a fine.
- It may sentence you to more hours of Community Service.
- It may cancel the Order and send you to prison or youth detention instead.

When the Court made the Community Service Order it was considering sending you to prison or youth detention and the Order states how long the prison sentence would have been. If the Court decides to send you to prison or youth detention it may or may not decide to allow you some reduction in the sentence to take into account any Community Service you may have completed before breaching the Order.